

# 299

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

No. 1.

UNITED STATES OF AMERICA AND ORS.

Prosecutors

- AGAINST -

ARAKI, Sadao AND ORS.

Defendants.

APPLICATION UNDER RULE 6(b)(1) OF THE RULES OF PROCEDURE  
OF THE INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST.

The

day of July, 1946.

The abovementioned prosecutors apply to the International Military Tribunal for the Far East for an order dispensing with compliance with Rule 6(b)(1) of the Rules of Procedure of the said Tribunal and permitting the said prosecutors to copy excerpts from the documents hereunder mentioned instead of copying the whole of the said documents.

The said documents are as follows:-

1. Affidavits, statements and reports of persons who were prisoners of war, civilian internees and inhabitants of territories occupied by the Japanese forces and official reports of investigating officers. The said affidavits, statements and reports number approximately 650. Some of the said affidavits, statements and reports contain as many as 100 pages, while others are comparatively short. They were obtained for the purpose of compiling a report on the conditions of prisoners of war, civil internees and native inhabitants of occupied territories, and in almost every case deal with more than one camp or area. Excerpts have been made from the said documents so as to eliminate the unnecessary repetition of matters which are contained in other evidentiary material. The prosecution intends to offer in evidence excerpts totalling approximately 1,500 pages. The copying of such excerpts commenced in February, 1946, and a large number had been completed before rule 6(b) was promulgated on 25th April, 1946, and before the said rule was amended on 20th May, 1946. One hundred

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copies of approximately 800 pages of excerpts have been so completed, making a total of 80,000 pages of copies. If the prosecution is required to copy the whole of each affidavit, statement and report, it is estimated that at least 10,000 pages will require to be copied 100 times, making a total of 1,000,000 pages. If literal compliance with rule 6(b)(1) is required, all the copying completed to date will be useless. The persons making the said affidavits, statements and reports are not in Japan, most of them being in the United States of America, Australia and England, and it is not intended to produce them for the Tribunal. The original of each document will be lodged with the secretariat and will be available to the defence.

2. Official A. T. I. S. (Allied Translator and Interpreter Section) reports. These documents average approximately 100 pages each and the excerpts intended to be used by the prosecutors amount to approximately one page in each report.
3. Dossier concerning examination of the case against Kunito Hatakeyama and Ken-ichi Nakagawa. This transcript is 354 pages in length in its English version and contains, in addition to the excerpts which the prosecutors intend to use, plans and evidence which can in no way assist the Tribunal. The said excerpts contain the complete evidence of the two abovementioned Japanese who were eye-witnesses of the massacre of prisoners of war at Laha, Ambon, and are 50 pages in length.

(SGD.) CARLISLE HIGGINS

Acting Chief of Counsel.

TO -

The General Secretary,  
International Military Tribunal for the Far East,

AND TO -

The Defendants.